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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,517	11/28/2001	Masao Ochi	4277	3531

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FASSE PATENT ATTORNEYS, P.A.
P.O. BOX 726
HAMPDEN, ME 04444-0726

EXAMINER

SAVAGE, MATTHEW O

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 05/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/996,517

Applicant(s)

OCHI ET AL.

Examiner

Matthew O Savage

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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This application contains nine patently distinct species that correspond with the drawing

Figures as follows:

<u>Species</u>	<u>Figure</u>
1	2
2	5
3	6
4	7
5	8
6	9
7	10
8	11A
9	11B.

This application contains claims directed to the following patentably distinct species of the claimed invention:

Claims 2-3 correspond to species 1-5;

Claim 4 corresponds to species 6-9;

Claim 5 corresponds to species 6-9

Claim 5 corresponds to species 8, and 9.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1 and 6 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

During a telephone conversation with Mr. Walter F. Fasse on 5-6-03 a provisional election was made with traverse to prosecute the invention of species 1, claims 1-3 and 6. Affirmation of this election must be made by applicant in replying to this Office action. Claims 4 and 5 have been withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiavo et al in view of Weppler.

With respect to claim 1, Schiavo et al disclose a filtration apparatus (see FIG. 1) including a housing head 30 having an inlet 32 and an outlet 34, a housing bowl 50 detachably attached to the housing head and surrounding a filter cartridge 30 to define a channel wall, and clamping means 60 exerting force to press the housing head and housing bowl against each other to clamp the housing head and housing bowl together. Schiavo et al fail to specify the housing head as having a portion facing the housing bowl and having a sealing portion and the housing bowl as having a sealing portion providing a seal when the clamping means exerts force to allow the sealing portion of the housing bowl to abut directly against the sealing portion of the housing head. Weppler discloses a filter housing including housing head 1 having a portion 5 facing the housing bowl and having a sealing portion and the housing bowl 3 as having a sealing portion 6 providing a seal when a clamping means 16 exerts force to allow the sealing portion of the housing bowl to abut directly against the sealing portion of the housing head and suggests that such an arrangement simplifies construction of the housing. It would have been obvious to have modified the filter of Schiavo et al so as to have included a sealing arrangement as suggested by Weppler in order to simplify construction of the housing.

Concerning claim 2, Weppler discloses the sealing portion 5 of the housing head and the sealing portion of the housing bowl each extending in the form of a ring, one a protrusion 5 and the other a recess 6 abutting against the protrusion, the seal having

two circular seals (e.g., the abutting conical outside faces, and the abutting conical inside faces, see FIG. 3).

As to claim 3, Wepler discloses the recess and protrusion being pressed against each other such that the recess is capable of being increased in width elastically and having resilience allowing the recess to cooperate with the protrusion to provide the seal since it is formed of plastic and includes a lip that can be pressed outwards by the conical protrusion (see the abstract).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schiavo et al in view of Wepler as applied to claim 1 above, and further in view of Ashelin et al.

Concerning claim 6, Wepler discloses the housing head and housing bowl as being formed of a fluoro-resin (e.g., TEFLON, see lines 25-28 of col. 3), but fails to specify the filter cartridge as being formed of a fluoro-resin. Ashelin et al disclose a filter cartridge formed of a fluoro-resin (see lines 21-42 of col. 4) and suggests that such a filter is suitable use in the electronics industry (see lines 13-17 of col. 1). It would have been obvious to have modified the combination suggested by Schiavo et al and Wepler so as to have included a filter cartridge formed of a fluoro-resin as suggested by Ashelin et al in order to provide a filter assembly suitable for use in the electronics industry.

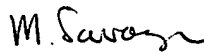
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O Savage whose telephone number is 703-308-3854. The examiner can normally be reached on Monday-Friday, 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda W. Walker can be reached on 703-308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


Matthew O Savage
Primary Examiner
Art Unit 1723

mos
May 7, 2003